

and that claimant has failed to prove a connection between her work activities and the symptoms on the right.

While the Appeals Board notes that claimant does emphasize the use of the spray bottle, she also testifies to other repetitive hand activities. Beverly Gordon, respondent's operations manager, also testifies to work involving repetitive hand motions. This includes dusting, vacuuming, and dust mopping. She also cleaned mirrors, sinks, partitions, and stools.

Claimant's counsel argues that all of the medical evidence supports findings that carpal tunnel is both bilateral and work related. The Appeals Board agrees that the medical evidence consistently supports the conclusion that claimant's condition is bilateral. The medical evidence linking the condition to claimant's work activities is on the other hand very limited. Nevertheless, the record as a whole leads to the conclusion that more probably than not claimant's bilateral carpal tunnel condition did arise out of and in the course of her employment.

Claimant's brief indicates she has already had surgery on the left hand and is awaiting surgery on the right hand pending this appeal. The filing of the appeal does not stay benefits ordered. K.S.A. 44-534a. Respondent argued that symptoms on the right have subsided to the point that surgery is not appropriate or necessary. Dr. McCoy has been designated the authorized treating physician. The determination regarding the need for surgery is left to the recommendation of the authorized treating physician, subject to consent of the claimant.

WHEREFORE, the Appeals Board finds that the preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on August 29, 1996, should be, and the same hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of November 1996.

BOARD MEMBER

c: Judy A. Pope, Topeka, KS
Lawrence D. Greenbaum, Kansas City, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director